

202

ROANOKE CITY COUNCIL

March 7, 2005

9:00 a.m.

The Council of the City of Roanoke met in regular session on Monday, March 7, 2005, at 9:00 a.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36762-070604 adopted by the Council on Tuesday, July 6, 2004.

PRESENT: Council Members Alfred T. Dowe, Jr. (arrived late), Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff (arrived late), M. Rupert Cutler and Mayor C. Nelson Harris-----7.

ABSENT: None-----0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Ann H. Shawver, Deputy Director of Finance; and Mary F. Parker, City Clerk.

COMMITTEES-CITY COUNCIL: A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to §2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Vice-Mayor Fitzpatrick moved that Council concur in the request to convene in Closed Meeting as above described. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Cutler and Mayor Harris-----5.

NAYS: None-----0.

(Council Members Dowe and Wishneff were not present when the vote was recorded.)

PURCHASE/SALE OF PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Vice-Mayor Fitzpatrick moved that Council concur in the request to convene in Closed Meeting as above described. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Cutler and Mayor Harris-----5.

NAYS: None-----0.

(Council Members Dowe and Wishneff were not present when the vote was recorded.)

CITY COUNCIL-CITY PROPERTY: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to §2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Vice-Mayor Fitzpatrick moved that Council concur in the request to convene in Closed Meeting as above described. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Cutler and Mayor Harris-----5.

NAYS: None-----0.

(Council Members Dowe and Wishneff were not present when the vote was recorded.)

ITEMS LISTED ON THE 2:00 P. M., COUNCIL DOCKET REQUIRING DISCUSSION/CLARIFICATION, AND ADDITIONS/DELETIONS TO THE 2:00 P. M., AGENDA: NONE.

TOPICS FOR DISCUSSION BY THE MAYOR AND MEMBERS OF COUNCIL: NONE.

At the appropriate time, the City Manager advised that she would like to include a briefing on the temporary closure of Crystal Spring Avenue at McClanahan Street and Evans Mill Road, S. W., as requested by Carilion Health Systems.

BUDGET: The City Manager advised that at the Council's Financial Planning Session on Friday, February 18, 2005, staff requested input from Council with regard to additional budget issues that the Council would like to address in connection with the fiscal year 2005-2006 budget, and it was agreed that an item would be included on the March 7 and April 4, 2005 City Council agendas for further discussion.

The City Manager explained that it was identified at the Financial Planning Session that there is a gap that must be closed in the budgetary process; there is a commitment to debt service, employee compensation and associated benefits have been suggested to the Council for review, and an increase in the meals tax has been mentioned as an opportunity to provide funding for William Fleming High School renovations. She asked that the Council identify any items on which either more or less resources should be expended.

No suggestions were offered by the Council; whereupon, the Mayor suggested that Council Members forward any additional suggestions to the City Manager for review prior to the Council's 2005-2006 budget study.

Council Member Lea advised that he would e-mail his suggestions to the City Manager.

CITY MARKET: The City Manager advised that the City Market Building has been owned by the City of Roanoke for a number of years; for 20+ years, the facility was operated by Fralin and Waldron, with the City receiving a nominal rent and, in return, the management company retained all revenues; and when the City took over operation of the Market building several years ago, significant cleaning and maintenance activities were required that were quite costly. She stated that it was believed to be a short term effort by the City, and in subsequent years, the Market Building would become self-sufficient, with the exception of major repairs such as replacement of the heating and air conditioning system, both of which are almost complete. Because expenditures and revenues are not in sync, she advised that for the last few years, the City has subsidized operation of the Market building because revenue from vendors has been insufficient to meet ongoing maintenance and operating expenses, exclusive of heavy maintenance items. She further advised that it appears, based upon the latest analysis by the budget committee, that the need for an operating subsidy will continue, particularly in light of an issue that has been discussed over the past 12 months with regard to the payment of the Common Area Maintenance (CAM) fee by building tenants.

Therefore, prior to initiating a new CAM fee arrangement with Market building tenants, staff would like to brief the Council on what is involved and an anticipated operating subsidy. She called on R. Brian Townsend, Acting Director of Economic Development, to lead the discussion.

Mr. Townsend introduced Lisa Poindexter-Via, a new employee in the Department of Economic Development, who will be responsible for disposition and leasing of City owned property such as the Market building. He advised that:

- Over the past two years, there have been ongoing maintenance issues with the Market building, primarily related to maintaining the heating/air conditioning system, which will not be an issue in fiscal year 2005-2006 with completion of the new system. Maintenance costs could decrease by as much as \$20,000.00, but the City could still be faced with a net operating deficit of approximately \$58,000.00 for the Market building.
- Utility expenses will likely remain the same as last year.
- On the revenue side, approximately 1500 – 2000 square feet of space is available on the first floor that could be re-tenanted and leased; and the third floor is a separate issue involving future investment in the building, therefore, the third floor will not produce revenue for fiscal year 2006.
- A feasibility study for the Market building and the entire Market area will be prepared in the spring/summer and will address the third floor.
- The revenue side could be improved if vacant space were released on the first floor during the course of the year.
- Another issue relates to the Common Area Maintenance Fee (CAM). The Market building has more common area as a percentage than the leaseable square footage of the average building, and the building contains a common area that is highly intensive in terms of maintenance because the food court must be cleaned frequently during the course of the day.
- Previously, the CAM fee involved a flat fee for the course of the tenant's year and at the end of the year, CAM costs were divided among tenants on a pro rata basis under an arrangement referred to as a "true up".

- During the past several years, the “true up” has consisted of a considerable amount of money and many businesses could not afford to pay a large sum of money at the end of the year to cover the Common Area Maintenance fee.
- An issue of concern to tenants in November 2004 was their desire for a flat Common Area Maintenance fee which has now been addressed with Advantis, the current management company; and Advantis is in the process of finalizing a new base lease for the entire building which sets the CAM fee at a flat rate for the course of the year, with no “true up” at the end of the year.
- There is a question as to whether the flat rate fee of \$125.00 per month for retail tenants and \$250.00 per month for food tenants will cover all Common Area Maintenance costs.
- If true Common Area Maintenance costs are spread among food court tenants, costs are likely to be beyond what tenants are willing or able to pay given the amount of square footage in the building.
- Under current projections, if the first floor of the building were fully occupied, if the CAM fee was readjusted to \$125.00 and \$250.00 respectively, per month, and if there were no costs outside of routine maintenance costs, there could be an operating income of as much as \$38,000.00, however, the figure does not take into consideration any new capital expenditures.

At 9:20 a.m., Council Members Dowe and Wishneff entered the meeting.

- The \$250.00 flat CAM fee for the term of any lease contains a three per cent annualized increase based on the length of the term of the lease. The \$125.00 and \$250.00 figures were provided by Advantis based on what was paid under the old system; however, the \$125.00 and \$250.00 are not likely to cover all ongoing repairs and maintenance, but represents a rate that tenants understand, does not involve a “true up”, and captures as much of the maintenance cost as the tenant base can sustain at this point.

The City Manager explained that the purpose of the briefing was to advise Council that the Market building is currently operating in a subsidy situation and is likely to continue in that mode for some period of time if the same rental basis is maintained and if the proposed approach to the CAM fee is approved by Council; and the purpose of engaging a consultant to study the

Market building and the entire Market area is to receive recommendations on how the facility could be operated differently in the future. She clarified that it is important for the Council to understand at this point the Market building cannot be revenue and budget neutral under existing arrangements.

Discussion by Council:

- Dr. Cutler inquired about the current relationship between Market building tenants and the management company; whereupon, Mr. Townsend responded that the big issue that the management company has resolved relates to the new base lease that contains a new Common Area Maintenance fee proposal and an exclusivity clause.
- Dr. Cutler inquired about uses for the third floor; whereupon, Mr. Townsend responded that the third floor involves identifying a reasonable range of marketable uses, and various infrastructure needs, in addition to an elevator and restroom facilities which are estimated to cost in the range of \$50,000.00.
- Vice-Mayor Fitzpatrick advised that the Market building does not contain enough square footage to create the critical mass, therefore, a study is needed to look at the overall building, and the best that can be hoped for at this point is a redirection in the subsidy. He commended staff on the agreement between tenants and the management company regarding the CAM fee and the exclusivity clause for the short term that will protect local tenants. He stated that the City will most likely be required to spend some money in the Market area in order to maintain the Market as a part of Roanoke's downtown and it is hoped that the consultant's study will address actions that the City should take. He added that when one looks at what downtown Roanoke has become since 1979, it is important to continue the momentum and the Market building is the main catalyst.
- Council Member Dowe advised that some generations of Roanokers have a loyalty to the City Market area; however, he expressed concern with regard to future generations who may or may not share that same loyalty. He stated that the Market building, the City Market area and the entire downtown corridor has offered a snippet of vibrancy to the extent that some of Roanoke's young people are willing to visit the Market area; therefore, it is necessary to build on the vibrancy of the area in order to create a level of loyalty. He requested realistic numbers from the consultant in connection with extending operating hours of the City Market, and/or a 24 hour operation.

He stated that in five to ten years, the Market building may look entirely different than the way it looks today; and there is a certain degree of vibrancy that the building can create for itself and subsequently for the downtown area that could help to create a level of loyalty by future generations.

- Council Member Wishneff suggested that a request for proposals for local management of the City Market building be advertised for bid as soon as possible.
- The City Manager advised that Advantis currently operates the City Market building on a month to month management lease, all maintenance activities are performed locally, the City pays an annual maintenance/management fee to Advantis, the City pays all direct expenses, and the management firm collects rents and maintains direct contact with tenants in terms of tenant issues.
- Council Member McDaniel advised that this is an area where it is hoped that the City will not cut corners because there is an opportunity to make exciting things happen in the City Market area that will benefit the City of Roanoke as a whole. She inquired about the time frame for a consultants study; whereupon, Mr. Townsend responded that requests for proposals are due this week, it will take approximately two weeks for interviews to be conducted with the consultants to be followed by a recommendation to the City Manager; and the study process could take approximately six months to complete, therefore, it could be approximately August/September before submittal of the first stage of recommendations. He stated that the consultants study will include more than just the Market building, and will address urban design of the area around the Market building, issues regarding the Farmers Market such as operation and maintenance, and the area at the end of Market Street around Century Garage, etc.
- Vice-Mayor Fitzpatrick advised that no local entity has the expertise to manage a professional market place, therefore, the question becomes, should the Market building be managed locally in the short term and should a different kind of operation be addressed for the long term; and if it is the desire of the City to turn the Market area into a revenue producing operation on a regular basis, an entity with a certain level of expertise will be required.
- Council Member Wishneff reiterated his previous suggestion that the City advertise for bids from local companies to manage the Market building.

Following discussion of Council Member Wishneff's suggestion, Mr. Townsend advised that there now appears to be some consistency in the relationship between Advantis and Market building tenants; progress has been made in connection with new leases, Common Area Maintenance fees and the exclusivity clause, therefore, if Council gives the indication that it plans to explore a new management team, the wrong message could be sent to Market tenants.

The City Manager advised that an advantage of engaging Advantis on a month-to-month basis is in the fact that there is no long term relationship while the consultant's study is underway; and if the consultant's study is completed within a six month time frame, the recommendation could be an entirely different approach to operation of the Market building. She expressed concern about the message that could be sent to tenants of the Market building if another management team is engaged on a month-to-month basis.

Vice-Mayor Fitzpatrick moved that the current month-to-month agreement with Advantis for management of the City Market building be continued, pending completion of the study by the consultant. The motion was seconded by Dr. Cutler and adopted, Council Members Lea and Wishneff voted no.

STREETS AND ALLEYS: At the request of Council Member Wishneff, the City Manager introduced a briefing on the temporary closure of Crystal Spring Avenue at McClanahan Street and Evans Mill Road, S. W.

Robert K. Bengtson, Director of Public Works, advised that:

- A request was submitted by Carilion Health Systems to close Crystal Spring Avenue between McClanahan Street and Evans Mill Road, S. W.
- As Carilion moves forward with major construction and renovation projects in the area of the hospital and the cancer center, they have experienced problems with regard to space availability in terms of staging and storing of materials, construction, delivery, etc.
- Conceptually, Carilion is also looking at certain improvements that would effectively make use of Crystal Spring Avenue as the Hospital continues to improve upon the parking deck, as well as improvements to facilities on the other side of the street.
- The City requested that Carilion initiate a traffic study to address the closing of Crystal Spring Avenue in order to determine traffic patterns as a result of the potential closure.

- Some time ago, when the parking deck was under construction, the area was closed for an extended period of time with no impact on the surrounding street system.
- The City has agreed, on a temporary basis, that Crystal Spring Avenue between McClanahan Street and Masons Mill Road could be closed through October 2007. If traffic flows smoothly, Carilion will likely petition for permanent closure of the street at some time in 2007.

Mr. Bengtson was asked to respond to a question with regard to standard notification to the public on street closures; whereupon, he advised that information is disseminated through the City's Public Information Office and advisory signage is placed at or near the street in question. He stated that temporary closure of Crystal Spring Avenue will allow the City to identify problems that could occur over a period of time in anticipation of a request by Carilion to permanently close the street.

Upon question with regard to line of site at the pedestrian underpass to Rivers Edge Sports Complex, Mark D. Jamison, Traffic Engineer, advised that the City is currently working with Norfolk Southern to move the fence back and to remove over grown brush within railway property, and Norfolk Southern appears to be agreeable to cleaning out the brush and to relocating approximately 200 feet of the fence to improve the line of site.

There were questions as to whether meetings were held with representatives of the neighborhood/neighborhood association; whereupon, it was noted that no meetings were held. Council Member Wishneff expressed a preference that City staff meet with residents of the area before Crystal Spring Avenue is temporarily closed.

Because the matter is a traffic-related issue, the City Manager requested guidance from Council as to how staff should conduct business in the future inasmuch as staff does not typically seek input from the neighborhood on temporary street closure(s). She stated that the request of Carilion has been studied by City staff for several months.

The Mayor suggested that City staff meet with the Neighborhood Association at its next meeting to provide an explanation regarding the temporary closure, the time frame, etc., and if a future request is submitted by Carilion to permanently close Crystal Spring Avenue at McClanahan Street and Evans Mill Road, the matter would routinely go before the City Planning Commission for a public hearing, followed by a recommendation to Council for consideration at the Council's public hearing; and at that point, citizens and the Neighborhood Association would have an opportunity to express their views.

Following discussion, it was the consensus of Council to concur in the Mayor's suggestion.

The City Manager advised that City staff will closely monitor the closure of Crystal Spring Avenue, particularly since Carilion has indicated that a request for permanent closure may be submitted at a later time. She stated that temporary closure gives the City a test period in which to evaluate the situation before making what could be a permanent decision.

At the 2:00 p.m., Council session, the Mayor advised that Council Member Wishneff would request the City Manager to present a summary of the temporary closure of Crystal Spring Avenue.

PURCHASE/SALE OF PROPERTY-TAXES-FLOOD REDUCTION/CONTROL-CITY PROPERTY-EASEMENTS: The City Manager advised that the briefing is a follow up to the February 7, 2005, Council briefing with regard to a staff recommendation that Council consider the development of a Riparian Corridor along the Roanoke River. She stated that the briefing would identify both public and private real estate holdings along the river corridor in an effort to seek input on whether or not Council would like for staff to pursue the issue. She noted that some easements might be obtained without compensation by those persons who are supportive of a plan to create the riparian corridor along the river and other instances may require appropriation of funds to acquire land.

Steven C. Buschor, Director, Parks and Recreation, presented maps identifying the floodway and those locations where a Riparian Corridor Overlay District could be developed, identification of properties within the riparian corridor that are currently publicly held and those properties that are privately owned and the assessed value of properties; and based on the "proximate principal" and utilizing a 500 foot barrier on either side of the floodway, property values have been assessed inside the 500 foot buffer that are both City held and publicly held. He presented the following spread sheet identifying property values.

ITEM	VALUE	-3%	1%	3%	5%
Inside Floodway					
City Owned Property	\$5,084,443.00				
Privately Owned	\$49,960,020.00				
Inside 500' Floodway Buffer					
City owned	\$26,258,281.00				
Privately Owned	\$314,437,675.00	(\$9,433,130.00)	\$3,144,377.00	\$9,433,130.00	\$15,721,884.00

Mr. Buschor advised that:

- Using the “proximate principle” for City owned property inside the 500 foot buffer area, the assessed value is approximately \$26.5 million and \$314 million in assessed value for those properties that are privately held.
- No City department has been assigned a responsibility regarding the Roanoke River, except in those situations where flooding occurs.
- If one makes the assumption that if a riparian corridor of a linear park is developed, the “proximate principle” indicates that there will be an increase in proximate valuations, and a one per cent increase in privately held properties has the potential of raising \$3.2 million annually in proximate values.

Council discussion:

- Dr. Cutler advised that as work proceeds on the greenway, the City should take advantage of opportunities to provide for a wider linear park than 50 feet.
- Dr. Cutler inquired as to steps that need to be taken by the City to make the Riparian Overlay District more of an official vision of the City over the next five to ten years, in order to take advantage of opportunities to acquire land along the Roanoke River and to encourage private development along the public rights-of-way.
- The City Manager advised that assuming the Council concurs in the establishment of a riparian overlay, Council will be requested to adopt an official policy for development of the corridor over time, which would then trigger staff time and involvement by approaching various property owners along the Roanoke River to explain the benefits that will be afforded to them as individual property owners as well as benefits to the City of Roanoke; and through development of the policy, the City would have the potential to condemn land in the event that the City was not successful in acquiring land through donation or negotiated sale. She stated that the City would need to systematically begin the acceptance of donations, and development of a policy would further reinforce a coordinated approach by various City departments; and the policy would be a number of years in the making. She explained that current practice provides that individual property owners along the Roanoke River are responsible for the maintenance and upkeep of their portion of the river and no individual or organization is

responsible for the upkeep of the river. She stated that when the Roanoke River Flood Reduction project is completed, the City will have an ongoing responsibility for the river bed itself and there will be better off site and more significant aesthetics to the river that will enhance property values.

Dr. Cutler spoke in support of the establishment of a “river keeper”.

With the concurrence of Council, the City Manager advised that a measure would be presented to the Council for consideration that will officially establish a Riparian Overlay Corridor; and staff will develop a policy statement that could be incorporated into the City’s Comprehensive Plan.

The Mayor advised that two issues should be considered; i.e.: a long term issue which includes the entire river linear park concept as a part of the City’s Comprehensive Plan that would encompass property rights and acquisition of land, etc., and (2) a short term issue that would involve maintenance of the Roanoke River -- an administrative strategy that sets forth who is responsible within the structure of City government for maintenance and periodic cleanup of the river. He called attention to the need to address the public areas along the river; i.e.: along Wiley Drive to remove debris hanging from trees and brush along the river, which deters from the aesthetics of the park and the overall area. Given that Roanoke is a City that has a river running through its boundaries, he advised that there should be some responsibility or coordination of river maintenance, such as a “river keeper”, or a department, or a group of staff within the City that would take responsibility for river clean up.

Dr. Cutler commended the Assistant City Manager for Operations who informed the U. S. Army Corps of Engineers that landscaping must be addressed at the same time that bench cuts are made for the Roanoke River Flood Reduction project.

In addition to suggestions offered by the Mayor, the City Manager advised that the City needs a public information/public relations campaign that addresses the responsibilities of all parties relative to the Roanoke River. She stated that one of the advantages of a riparian corridor is to identify owners of property along the Roanoke River, to communicate with those owners regarding their individual responsibilities and to solicit their assistance with regard to river clean up projects that might be held on a more frequent basis.

The Mayor requested that the City Manager report to Council on a Roanoke River Maintenance Plan.

The City Manager advised that different types of equipment, other than that which is currently in the City’s inventory, will be required to perform river maintenance; therefore, knowing the interest of Council will help City staff to prioritize those needs along with other requests when finalizing the recommended fiscal year 2005-2006 City budget.

The Mayor suggested that equipment purchases be reviewed on a regional basis in an effort to share costs since the Roanoke River flows through other Roanoke Valley jurisdictions.

Vice-Mayor Fitzpatrick suggested that the riparian corridor issue be discussed at regional meetings of the Mayors/Chairs and Managers/Administrators to determine if there is an interest in regional participation.

SEWERS AND STORM DRAINS: The City Engineer introduced a briefing on the storm water utility feasibility study which is currently being conducted by AMEC.

He advised that:

- This is the third Council briefing on the topic.
- At the first briefing, information was provided on Roanoke's location in the watershed, its location with respect to jurisdictional boundaries, a current \$57 million list of capital projects needs and general terms to the concept of a storm water utility.
- The second briefing included more detail on the storm water utility, a review of funds currently spent from the operations budget and capital expenditures on storm drains, a review of GIS analysis to establish the equivalent residential unit, and a review of experiences by other cities in Virginia that have adopted a storm water utility fee.
- Today's briefing will focus on a fee for Roanoke in terms of a service level.

Doug Mosely, representing AMEC, advised that project review consists of:

- Program Phase:

To determine the level and extent of storm water management service based upon community needs and Capital Improvement Programming; and

Data Development and Analysis to evaluate the data needed to determine an equitable allocation of the cost of service.

The study is designed to help the City reach a decision point concerning implementation of a storm water utility fee.

- Key areas of program needs include reinvestment in the infrastructure:

Total program average expenditures: \$695,000.00 annually

CIP needs: \$57 million

Maintenance and operation needs: \$1 million/annually

Build capacity to maintain infrastructure

Increase capital spending: \$3 - 5 million annually

Ensure compliance with regulatory mandates

Address water quality needs through CIP

Billing unit determination methodology - Equivalent Residential Unit (ERU)

Recommended Billing Unit:	House area:	1,450'
	Other impervious area	470'
	Total	1,920'

- Reinvestment Strategy Options
- Scenario No. 1 - Utility funding for capital only

Assumptions:

Current staffing levels can support \$3 to \$5 million in new capital projects

No utility support for billing, administrative costs, database management, GIS, maintenance and operations and GIS mapping

All capital projects will be cash funded (pay as you go)

Capital Only Scenario	Year 1 to Year 6
Estimated Annual ERU Revenue Range	\$3.2 to \$5.8 million
Range of Monthly Charge per ERU	\$2.70 to \$4.50

- Scenario No. 2 - Comprehensive I

Assumptions:

New resources will address: CIP, new maintenance and operations crew, dedicated FPM resources to lower CRS rating, administrative support for billing and customer service, and support for updating GIS data for storm water programming.

All capital projects will be cash funded (pay as you go) and CIP growth is identical to Capital only scenario.

Comprehensive I Scenario	Year 1 to Year 6
Estimated Annual ERU Revenue Range	\$4 to \$6.7 million
Range of monthly charge per ERU	\$3.30 to \$5.10

- Scenario No. 3 – Comprehensive II

Assumptions:

New resources will address: Comprehensive I list plus completed inventory of drainage system (open channels), new work order system for maintenance program, GIS-based inventory of easements, and new equipment and manpower for internal inspection of pipe system.

All capital projects will be cash funded (pay as you go) and CIP growth is identical to Capital Only scenario.

Comprehensive II Scenario	Year 1 to Year 6
Estimated Annual ERU Revenue Range	\$4.3 to \$6.9 million
Range of Monthly Charge per EUR	\$3.60 to \$5.20

SWU Fee Schedules Around Virginia (2004)

Locality	NPDES Phase I/ Phase II	Single-Family Stormwater Fee (per month)	Commercial Stormwater Fee (per month)	Total Annual Revenue Generated
City of Norfolk, VA	Phase I	\$5.40	\$0.124 per 2,000 sq. ft. of impervious area	\$7.4 million
City of Virginia Beach, VA	Phase I	\$4.29	\$4.29 per 2,269 sq. ft. of impervious area	\$12.7 million
City of Portsmouth, VA	Phase I	\$3.50	\$3.50 per 1,877 sq. ft. of impervious area	\$2.6 million
City of Newport News, VA	Phase I	\$3.10	\$3.10 per 1,777 sq. ft. impervious area	\$5.5 million
City of Hampton, VA	Phase I	\$3.50	\$3.50 per 2,429 sq. ft. of impervious area	\$3.7 million
City of Chesapeake, VA	Phase I	\$2.55	\$2.55 per 2,112 sq. ft. of impervious area	\$4.2 million
Prince William County, VA	Phase I	\$1.73	\$0.84 per 1,000 sq. ft. of impervious area	\$2.8 million

Mr. Mosley advised that the above scenarios were not intended to be a formal recommendation, but were submitted to help understand the impact that program decisions can have on revenue needs and to provide a potential way to finance the revenue need.

There was discussion with regard to how the consultant calculated building units.

At 11:15 a.m., the Mayor declared the Council meeting in recess to be reconvened in the Council's Conference Room at 11:30 a.m., for a continuation of the briefing/discussion on stormwater management.

The Council meeting reconvened at 11:30 a.m., in the Council's Conference Room, Room 451, Noel C. Taylor Municipal Building, with all Members of Council in attendance, Mayor Harris presiding.

Discussion by Council:

- Dr. Cutler inquired as to what extent a storm water management fee/program is required based on Federal and State mandates. The City Engineer responded that based upon the current storm water quality program, under NPDES it is believed that the City is current with existing resources; however, any future requirement on the water quality program is unknown at this point due to the fact that it is a continuing and evolving area and it is expected that there will be greater emphasis on water quality in the future.
- Council Member Cutler expressed an interest in the use of low impact development storm water management techniques similar to what the developer of Colonial Green has proposed with rain gardens and open streams, and similar to the Ivy Market proposal using a storm water cleaning device to remove debris before water flows into the Roanoke River, which could provide an opportunity to improve the beauty and environmental quality of the City while at the same time, addressing storm water management issues. He expressed an interest in a regional approach to storm water that would be administered by the Western Virginia Water Authority which currently has a storm water management provision in its Articles of Incorporation and By-laws, and encouraged the Mayor and the City Manager to address the matter at future meetings with the Chair of the Roanoke County Board of Supervisors and the County Administrator.
- Council Member Lea inquired as to how long storm water utility fees have been in effect in the Tidewater area; whereupon, the consultant advised that the fees have existed for approximately eight to ten years.

- The City Manager advised that when Federal regulations regarding storm water management were first enacted, the Federal government identified different tiers that were required to be in compliance; and the first tier involved communities that were over a certain population, as well as those communities that were located near heavily impacted water sheds and water areas which included several of the Tidewater communities that had populations in excess of the 250,000 threshold. She further advised that when the City of Roanoke filed for a permit, the City made certain commitments that would be performed on a regular basis which have been incorporated into the City's General Fund budget, but the City has not, with any consistency, been able to address actual capital needs that existed before Federal regulations were in place; and as a largely developed community, Roanoke does not have a lot of opportunity to address low impact development unless it is addressed through redevelopment. She stated that the City of Roanoke has recently been required to come under Federal guidelines, as opposed to other communities that have operated under the guidelines for at least eight years.
- Council Member Dowe stated that once capital needs are addressed, it appears that annual revenue will exceed annual operating cost; whereupon, he inquired as to how additional funds would be used.

The City Manager responded that the utility fee is available to localities for the express purpose of meeting storm water needs, if the City were successful in the ten year period going to the maximum dollar amount and assuming that the \$57 million in capital project needs is a moving target, the monthly utility fee would be reduced to a level that would be needed to maintain and operate the system, and the City would not collect money in excess of its needs.

- Council Member Dowe inquired if there might be a point at some time in the future when the utility fee could be eliminated; whereupon, the City Manager advised that the utility fee should not be any higher than actual expenditures. She stated that the City of Roanoke and other communities have erred in not properly maintaining infrastructure, whether it be buildings or storm drains, etc.; if the utility fee were to be instituted, after making a \$57 million investment, Council would want the assurance that the system would be properly maintained, therefore, a fee should be dedicated to ongoing maintenance.

- Council Member Wishneff advised that at some point, Council briefings on storm water management should be presented as a part of the Council's regular proceedings on RVTV Channel 3 so that citizens will be adequately informed. He inquired if the \$57 million in capital projects pertain to City projects solely, or do they address valley wide solutions.

The City Manager responded that the \$57 million is intended to address projects within the City of Roanoke; however, projects totaling \$17 million of the \$57 million were identified in the Valley-wide Storm Drain Study.

- On a parallel track, Council Member Wishneff spoke in support of addressing the matter with the Counties of Roanoke, Montgomery, Floyd and Botetourt and the City of Salem.
- The City Manager responded that approximately three years ago when the City prepared its permit application for NPDES, at the Fifth Planning District Commission level, her counterparts discussed the need for a study on a regional basis; as the City has addressed the matter with its consultant, representatives of Roanoke County and the City of Salem have been invited to participate, but they prefer to remain in a "wait and see" mode. She stated that there was a recent indication that Roanoke County might be interested in participating in a work session on storm water in an elementary way and the City would be willing to make the consultant available for that purpose.

In response to Council Member Wishneff's statement with regard to public briefings on storm water management issues, the City Manager advised that the City is at the point where public input would be desirable, but staff has not been willing to solicit public input until there is direction from the Council to proceed with a specific scenario that staff could take to the public for comments.

- The Mayor advised that he was in full agreement on the need for storm water improvements; however, he stated that he was lukewarm to the idea of the City of Roanoke proceeding as the lone jurisdiction to impose a storm water utility fee for the following reasons: (1) as a jurisdiction, the City of Roanoke has the highest real estate tax rate in the region and a storm water utility fee would create another financial responsibility for a homeowner in the City of Roanoke that no other Roanoke Valley homeowner is required to pay; (2) the storm water issue is a regional problem and not just germane to the City of Roanoke, therefore, it should be addressed on a regional level; and (3) the Western Virginia Water Authority has the legal capacity within its

By-laws and Articles of Incorporation to address storm water issues. He spoke in support of referring the issue of storm water management on a regional level to the Western Virginia Water Authority, of which the City of Roanoke is a member, to develop a more regional approach to storm water management. He stated that for the City of Roanoke to proceed as the lone jurisdiction to impose a storm water utility fee will exacerbate the inequity in terms of what homeowners and businesses pay in the City of Roanoke versus their counterparts in other Roanoke Valley jurisdictions.

Vice-Mayor Fitzpatrick moved that Council concur in the Mayor's remarks and refer the issue of addressing storm water management on a regional level to the Western Virginia Water Authority. The motion was seconded by Council Member Wishneff.

In response to a question raised by Council Member Dowe with regard to whether there is an urgent need to implement a storm water utility fee, the City Manager replied that the problem has existed for the past two to three years, therefore, to wait another 12 - 18 months will not cause undue harm. She stated that she supports the Mayor's remarks regarding the need for a regional solution to storm water and the cost impact; the City of Roanoke must take a leadership role and if the Western Virginia Water Authority is to be used as the interim solution, it should be done with the clear understanding that Roanoke City and Roanoke County will be engaged in the discussions, with the potential of the City of Salem as the next appropriate entity.

The Mayor advised that the matter could be discussed at a future meeting of the Mayor/Chair and the City Manager/County Administration of Roanoke City and Roanoke County, the consultants report could be made available to the WVWA, and since the matter is considered to be a regional issue, the City would encourage involvement by the Roanoke Valley Regional Chamber of Commerce.

There was discussion with regard to educating the community on the benefits of a storm water utility fee; whereupon, Mr. Mosley advised that a storm water advisory committee, which is citizen based and consists of key stakeholders from throughout the community such as environmentalists, the Chamber of Commerce, developers, homeowners, etc., is typically recommended.

There was discussion with regard to the need for General Assembly action on a regional storm water management fee; whereupon, the City Manager advised that it could be beneficial to receive recognition by a regional entity because long term, it would be easier if rates could be established by the Western Virginia Water Authority in lieu of individual localities approving a rate.

The motion offered by Vice-Mayor Fitzpatrick, seconded by Council Member Wishneff, to refer the issue of addressing storm water management on a regional level to the Western Virginia Water Authority, was unanimously adopted.

At 12:00 p.m., the Mayor declared the meeting in recess for a joint meeting of Council, the Roanoke County Board of Supervisors and the Roanoke Regional Airport Commission.

The Council meeting reconvened at 12:00 noon on Monday, March 7, 2005, in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., for a joint meeting of the Roanoke City Council, the Roanoke County Board of Supervisors and the Roanoke Regional Airport Commission, with Mayor C. Nelson Harris, Chairman Michael W. Altizer, and Chairman James M. Turner, Jr., presiding.

ROANOKE CITY COUNCIL MEMBERS PRESENT: M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff and Mayor C. Nelson Harris-----7.

ABSENT: None-----0.

The Mayor declared the existence of a quorum.

ROANOKE COUNTY BOARD OF SUPERVISORS PRESENT: Richard C. Flora, Joseph P. McNamara, Michael A. Wray, and Chairman Michael W. Altizer-----4.

ABSENT: Supervisor Joseph B. Church-----1.

ROANOKE REGIONAL AIRPORT COMMISSION MEMBERS PRESENT: Jane Milliron, J. Granger Macfarlane, Claude N. Smith, Arthur M. Whittaker, Sr., and Chairman James M. Turner, Jr. -----5.

ABSENT: None-----0.

STAFF PRESENT:

Representing the City of Roanoke: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Ann H. Shawver, Deputy Director of Finance; Mary F. Parker, City Clerk; Troy A. Harmon, Municipal Auditor; George C. Snead, Jr., Assistant City Manager for Operations; James Grigsby, Chief, Fire/EMS; and Sherman M. Stovall, Director of Management and Budget.

Representing Roanoke County: Elmer C. Hodge, County Administrator; Paul M. Mahoney, County Attorney; Richard E. Burch, Jr., Chief, Fire/EMS; and Brenda J. Holton, Deputy Clerk.

Representing the Roanoke Regional Airport Commission: Jacqueline L. Shuck, Executive Director; Efren Gonzalez, Deputy Executive Director and Treasurer; Dan Neel, Director of Finance and Administration; Mark A. Williams, General Counsel; Amanda DeHaven, Marketing and Communications Coordinator; Roger Bohm, Network Administrator; and Cathy Pendleton, Secretary.

The invocation was delivered by Council Member Alfred T. Dowe, Jr.

On behalf of the City of Roanoke, the Mayor welcomed the Roanoke County Board of Supervisors and the Roanoke Regional Airport Commission and their respective staffs.

FIRE DEPARTMENT: Mayor Harris advised that there were a number of items to be addressed primarily pertaining to the Roanoke Regional Airport and the Airport Commission. However, he called attention to one non-Airport related matter; i.e.: County/City Mutual Automatic Aid Agreement for Fire/EMS operations.

The City Manager submitted a communication advising that the City of Roanoke and the County of Roanoke currently have fire "mutual aid" agreements with each other, as well as a co-staffing agreement for the County's Clearbrook station; additionally, both jurisdictions are part of a statewide mutual aid agreement; and except for the Clearbrook area, the agreements have specific provisions which require the jurisdiction needing assistance to make a formal request to the providing agency.

It was further advised that a proposed agreement takes mutual aid one step further to "automatic aid"; automatic aid is defined as the appropriate predetermined response to an incident, initiated through the 9-1-1 system of the jurisdiction in which the incident occurs, without being specifically requested; response zones are pre-determined and resources committed based on terms of the agreement, usually response time or distance; and as required by law, each party will be required to indemnify the other party from all claims by third persons for property damage, personal injury, or debt which may arise out of the activities of the assisting party.

The City Manager explained that the Roanoke Fire-EMS Department will respond into Roanoke County from Appleton Avenue Station No. 3 into the North Lakes/Montclair area for first responder medical and fire calls; and the City of Roanoke will also respond into the Mt. Pleasant area of the County from Garden City area Station No. 11 for fire calls; Roanoke County will reciprocate by providing full-time firefighter/emergency medical technicians to staff an engine 24/7 in the Hollins station; the engine will provide backup to City-related fire responses in the North Williamson Road area; and, in addition, the County will staff a 24/7 ambulance in the Mt. Pleasant station which will respond to medical calls into the Garden City area of the City.

The City Manager recommended that she be authorized to execute a Memorandum of Agreement for Mutual Automatic Aid for Fire and EMS Protection Services with Roanoke County, such agreement to be approved as to form by the City Attorney.

Roanoke City Chief James Grigsby advised that the Mutual Automatic Aid Agreement would benefit both the City and the County because there would be a predetermined response to an incident initiated through the 9-1-1 system of the jurisdiction in which the incident is occurring without being specifically requested, thereby generating a quick response from the closest fire station. He stated that after reviewing recorded data, there would be a fairly even split of reciprocity, and the agreement would be another success by Roanoke City and Roanoke County.

Roanoke County Chief Richard Burch stated that regional cooperation has a proven track record, and cited the regional Fire/EMS plan and the Clearbrook co-staff operations as examples, in addition to the Automatic Aid Agreement under consideration.

Chairman Altizer advised that no one should argue that jurisdictional boundaries should jeopardize response time to save lives, and a person in a life threatening situation would not care whether the rescue personnel are from Roanoke City or Roanoke County, because the main objective is to help those in need. He stated that citizens expect this type of cooperation from their elected officials.

Supervisor Flora advised that the agreement represents a win-win situation for citizens in both the City and the County, and both Fire Chiefs are to be commended for their efforts. He noted that the experimental project at Clearbrook was successful, the effort under consideration is a natural progression, and there will be other opportunities for future joint cooperation by the City and the County.

Supervisor Wray commended the Clearbrook relationship and reiterated the remarks of Chairman Altizer. He commended Roanoke Valley leadership upon taking the necessary steps toward regional cooperation.

Supervisor Flora moved approval of the Mutual Automatic Aid Agreement; whereupon, the motion was approved by the following vote:

AYES: Supervisors McNamara, Wray, Flora, and Chairman Altizer-----4.

NAYS: None-----0.

(Supervisor Church was absent.)

Council Member Cutler offered the following resolution:

(#36986-030705) A RESOLUTION authorizing execution of an agreement with Roanoke County for Fire and Rescue Automatic Aid in Station 11 and Station 13 service areas of the City of Roanoke.

(For full text of resolution, see Resolution Book No. 69, Page 305.)

Council Member Cutler moved the adoption of Resolution No. 36968-030705. The motion was second by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, and Mayor Harris-----7.

NAYS: None-----0.

Mayor Harris expressed appreciation to the staffs of Roanoke City and Roanoke County.

AIRPORT: Mayor Harris advised that as a result of monthly meetings with the Chairman of the Roanoke County Board of Supervisors, the County Administrator and the City Manager, it was determined that it would be mutually beneficial for City and County elected officials to meet with the Roanoke Regional Airport Commission, the Roanoke Valley Resource Authority, and the Western Virginia Water Authority, thus the meeting with the Airport Commission was scheduled for today's session.

Chairman Turner expressed appreciation for the opportunity to meet with the Board of Supervisors and City Council, and introduced members of the Airport Commission. He gave the following overview of the history of formation of the Roanoke Regional Airport:

- In the early 1980's, there was a push for a new airport terminal, which was later determined to be a regional operation.
- In 1986, the General Assembly approved legislation that established the Airport Commission as an independent governmental body in the Commonwealth of Virginia.
- In 1987, the City of Roanoke transferred Airport property to the Airport Commission, and Roanoke County pledged \$2.6 million dollars to the Airport Commission which was paid over a ten year period.
- The City of Salem donated \$1 million toward construction of a new terminal.

- The Airport Commission issued bonds for construction of a new terminal and supportive facilities and the grand opening of the facility was held in 1989.
- At the time the Airport Commission was established, the City of Salem did not wish to be represented on the Commission, therefore, legislation was approved providing for the appointment of five commissioners, three to be appointed by City Council and two to be appointed by the County Board of Supervisors, which were then either members of the Board of Supervisors or employees of the City of Roanoke.
- The understanding was that eventually the Airport Commission would be composed of City and County citizens; and with the appointment of Jane Milliron in the late 1990's, the Airport Commission has become a committee of citizens serving at the pleasure of the Board of Supervisors and City Council.

Chairman Turner introduced Jacqueline Shuck, Executive Director, for an update on Airport operations.

Working from an outline, Ms. Shuck gave the following presentation:

Background and facilities:

Airfield and Terminal

Based on 800 acres (new airports are based on 2,000+ acres)
(land boundaries mirror the runways; hemmed in by roads
and a shopping mall)

Terminal meets today's needs and reasonable future needs
96,000 square feet terminal was completed in 1989

Has six gates, four jet bridges, 1,882 total available parking
spaces

Employees

Commission employs or contracts 76 persons to keep the
facility safe, clean and financially secure which include:

10 Roanoke City firefighters who provide aircraft rescue and
fire fighting services

35 security, law enforcement, safety and operations
personnel

27 facilities and airfield maintenance personnel
16 finance and administration personnel
1 legal personnel

Other Airport Businesses

Airport serves as home to 30 companies and agencies

Nearly 1,000 persons are employed or based at the airport

30 different employers provide services to public or aviation users

Economic Impact

Results of the 2004 Virginia Airport System Economic Impact Study:

Airport provides a total economic impact of nearly three-quarters of a billion dollars (wages - \$94,981,000; economic activity \$252,728,000; direct economic impact \$347,709,000)

Airport has indirect economic impact of nearly \$290,000,000. (wages - \$67,984,000; economic activity - \$217,299,000; indirect economic impact from airport dependent businesses in community - \$285,283,000)

Travelers' spending has an additional indirect economic impact of \$80,000,000 (total air carrier visitors - 133,904; average visitor spending - \$79,806,000)

Funding:

Operating Budget

Airport has an Operating Budget of nearly \$7,000,000

Sources of Operating Revenue:

- 31% - passenger airlines
- 7% - cargo carriers
- 4% - general aviation
- 19% - terminal tenants and concessions
- 26% - parking
- 7% - non-operating revenue
- 6% - other

Capital Projects and Revenue Sources

Successful in competing for Federal discretionary airport funds

Since 1998, received \$14.5 million of Federal entitlement funding and \$46.8 million of discretionary funding

Funds are derived from 10% ticket tax imposed on airline passengers

Nearly \$60 million of improvements have been constructed at no direct cost to the airlines

Since 1998, the Commission's capital program has virtually rebuilt the airfield

Airport Aviation Sectors:

General Aviation

Includes private and corporate aviation and fixed base operators

As of January 2005, the Airport is home to 125 general aviation aircraft, 91 single engine aircraft, 19 multi-engine piston aircraft, 9 multi-engine turbo prop aircraft, and 6 business jet aircraft

General aviation area currently consists of 12 hangars and one general aviation terminal

New general aviation hangars are being built

14 unit T-hangar was fully leased before the certificate of occupancy was issued in September 2004

February 2005, the Commission working through the Virginia Resource Authority was issued \$1.4 million in bonds to fund an 18,000 square foot storage hangar capable of storing larger corporate jet aircraft

Millions of dollars are being invested to rehabilitate and upgrade the general aviation area infrastructure

Redevelopment of the north side of the general aviation area began in 2001 with a \$2.3 million project to upgrade utilities, drainage and paved surfaces

Building sites have been created for up to four hangars

Second phase of redevelopment begins in the spring at a cost of \$2,000,000

All paved surfaces should be rehabilitated by 2006 or 2007

Cargo and Large Aircraft Maintenance

Three national cargo carriers operate at the airport with large aircraft major cargo carriers:

Airborne Express - ten flights per week (DC-9 aircraft), 2,411,068 pounds of air freight in 2004

Federal Express - ten flights per week (Boeing 727 aircraft), 13,406,155 pounds of air freight in 2004

UPS - 18 flights per week (Boeing 757 aircraft), 9,739,945 pounds of air freight in 2004

After experiencing the same decreases in air freight that started to occur nationally in 2000, activity has been gradually increasing

In addition to national cargo carriers, the Airport accommodates the needs of many small haulers

Falling somewhat outside of the three sectors is maintenance facility for larger aircraft currently operated by Piedmont Airlines

In 2000, the Commission invested over \$800,000 to rehabilitate a 49,296 square foot maintenance hangar built in the 1960's

Piedmont Airlines maintains DeHavilland Dash eight turbo prop aircraft, mostly at night, and employs 65 mechanics

Passenger Carriers and Air Service

Airport Commission tracks the air traveling habits of persons living within its primary and secondary air service catchment areas

Regional affiliates of four airlines operating at the Airport provide service through eight major hubs

US Airways Express:

Charlotte - eight flights, four jets, four turbo prop, 387 seats

New York LaGuardia - three flights, all turbo prop, 111 seats

Philadelphia - four flights, all turbo prop, 274 seats

Northwest Airlink:

Detroit - four flights, two jets, two turbo prop, 166 seats

United Express:

Chicago - three flights, all jets, 150 seats

Washington, Dulles - one jet, three turbo prop, 299 seats

Delta Connection:

Atlanta - five flights, all jets, 250 seats

Cincinnati - four flights, all jets, 200 seats

Non-stop service to eight major hubs

Following the events of September 1, 2001, airline seats available for Roanoke passengers decreased by 25%

While total departures and landings for military and commercial air carriers have remained fairly constant, general aviation operations continue to decrease

Despite a significant decrease in airline seats, the Airport's average load factor for all flights has not increased dramatically

After three straight years of declining passengers following September 1, 2001, in 2004 passenger numbers started to rebound

Airlines would like an 80-85% load factor of passengers, but this creates a very crowded and uncomfortable situation for passengers

Currently, the load factor is about 56%, which is not bad for a small community

There was a three year slide after 2001, but there has been a six per cent increase in 2004, and it is hoped that this trend will continue

Since inception, the Airport Commission has conducted passenger surveys

Roanoke City and Roanoke County residents, business travelers and guests comprise over 50% of the Airport's passengers

While business passengers make up approximately 57% of Roanoke's passengers, five companies frequently are identified as the employer or destination: Virginia Tech (15 passengers per day); General Electric (ten passengers per day); Norfolk Southern (eight passengers per day); Mead Westvaco (four passengers per day); Advance Auto (three passengers per day)

During a 12 month period from July 2003 through June 2004, approximately 32% of the passengers in Roanoke's primary service area flew out of other airports

It has been found that some people go to other airports because of price, kind and size of aircraft, and seat availability

The airline industry lost billions of dollars in 2004 and does not see a much brighter picture for 2005

Only three air carriers have made money, Southwest Airlines made the most at \$313,000,000, which was about half of what they thought they would make

Airline industry profit loss is due primarily to fuel prices, recent news suggests that fuel prices will get worse, and low airfare rates have also been a contributing factor

Although United is in bankruptcy and Delta is in danger of the same, a huge question for the Roanoke Airport is, "What if US Airways liquidates?"

In 2004, US Airways Express provided 42% of all seats

US Airways carried 249,500 total passengers, or 40% of all Roanoke passengers

Using a reasonable load factor of 70%, other carriers had a total of 89,500 available seats in 2004

That leaves a deficit of 160,000 seats if US Airways liquidates and no new service is added per year (or unaccommodated passengers)

Additional service by Delta and United would help tremendously

An analysis of US Airways' passenger destinations and compatible route structures offered by other air carriers has been performed

United and Delta have been identified as two primary carriers that could provide replacement service, they have been requested to consider providing replacement service as they prepare their contingency plans, and Roanoke has a very small passenger base but does support the airline industry

Three additional flights to Atlanta on Delta Connection and four to Dulles on United Express would be beneficial

What are our chances?

US Airways' share of domestic enplanements: airports served in Virginia, West Virginia, North and South Carolina

US Airways' share of domestic enplanements by airport - all airports served by US

In order to increase Roanoke's attractiveness to incumbent and new carriers, the Commission has been working to reduce airport and airport-related costs

In July 2005, Roanoke's landing fee is expected to drop by 18 cents per thousand pounds of landed weight, which will reduce the cost that is passed along to the airlines, creating some savings for the carrier

In 2002, the Commission adopted an airline incentive program for new or improved air service - waiving land fees, waiving rents, modest marketing money

Looking at hiring in-house employees who would create an "Airline Station" to help save the airline money

Various types of airline service is being targeted

The Commission continues to seek low fare service; (initial target was AirTran which is not going into small market areas; Independence is doing badly financially)

Encourage additional service by legacy carriers such as Continental or American which currently operate out of the airport

Work with incumbent carriers such as United and Delta to increase and improve air service

Other Issues:

Commission is anticipating improvements to the 16 year old "New" terminal facility

Would like to expand security check points to two lanes; place TSA behind the baggage domes if possible and improve bathrooms

Possibility of work with the City and retailers to realign the entrance into the Airport and set up a better traffic flow at Towne Square Boulevard and Aviation Drive, which would be a win/win situation for everyone

Have purchased property across from the cemetery on Airport Road for a future remote parking lot or rental car lot

Currently working with the City for purchase of Fire Station No. 10, City could build a new station somewhat closer to most of the residents

Five years ago, Roanoke was successful with return of the 24-hour tower; now the FAA, who is being told their funding is being cut, wants to target Roanoke's Airport, as well as 26 other towers, to reduce operations after midnight, which would interfere with development of the area where the old tower stands

Issues regarding interference by shadowing of mountains and distraction by traffic with current radar equipment and site; a study has revealed that the site behind the Kroger Store at Towne Square which is owned by the Airport Commission, affords a better location for radar coverage; funding may be available for navigational aids and systems being proposed for next year or 2007

Two programs are currently underway: Aviation Easement Acquisition Program, and Purchase Assurance Program for properties that are impacted at a certain noise level

Program Dates - November 2003 through May 2006

175 eligible homeowners: 169 Roanoke City; six Roanoke County

Participation in either program is voluntary

Participation deadlines have been set:
April 8, 2005 - Purchase Assurance Program
February 3, 2006 - Easement Acquisition Program

Airport Commission has completed or has underway 70% of the projects specified in the 1998 Master Plan Update; therefore, work on the Newest Master Plan Update will begin this year

Chairman Turner stated that the name of the Roanoke's Airport should be changed from Roanoke Regional Airport to Roanoke International Airport because Roanoke has some international flights.

Council Member Dowe inquired about the criteria that the Federal Aviation Administration used in selecting the radar site, given the fact that the mountains were there before the site was selected, and, if there are distractions with regard to traffic on I-581, the same situation would exist if the radar site was located closer to the shopping district. He requested a comparison of Norfolk Southern, Virginia Tech and General Electric, etc., business flights per day, using today's statistics compared to 20 years ago, and compared to future flights in five to ten years, including an age demographic study for the period. He advised that there has been an increased interest and synergy with regard to rail service and inquired as to how rail service would play into the transportation issue.

Chairman Turner advised that the Airport Commission would respond to Council Member Dowe's questions at a later time.

Council Member Cutler called attention to Council's discussions regarding storm water management. He advised that there is a considerable amount of land at the Airport, and inquired if the Airport Commission is governed by Federal or State guidelines relating to storm water.

The Executive Director responded that the Airport Commission is subject to State law, the primary concern relates to keeping de-icing fluid out of storm water, various actions have been taken to evaporate the fluid, levels of testing are under study and it is anticipated that there will be more requirements for testing in the future. She noted that de-icing salt is no longer used because it is too corrosive for aircraft, and called attention to the use of water separators to address routine problems.

Vice-Mayor Fitzpatrick referred to constantly changing rules and regulations regarding airport operations; therefore, it is important that there be continuing dialogue between Roanoke City, Roanoke County and the Airport Commission in order to keep the Council and the Board of Supervisors informed as to what each governing body can do to help Roanoke's Airport continue to progress. He spoke in support of changing the name of Roanoke's airport from a regional to an international airport. He commended the Airport Commission/Administration on the use of regional jets which represent an improvement over the past, and encouraged the Airport Commission to call on Council and the Board of Supervisors whenever they may be of assistance.

Council Member McDaniel inquired as to how the Council and the Board of Supervisors could be of assistance with regard to encouraging the FAA to operate the radar tower on a 24 hour basis.

The Executive Director suggested that the two localities adopt a resolution to be forwarded to legislators representing both localities, to Congressman Goodlatte, and to the FAA Administrator in support of operating the radar tower on a 24 hour basis.

Vice-Mayor Fitzpatrick asked that the City Attorney prepare the proper measure for consideration by Council at a future meeting.

Supervisor McNamara inquired about the status of US Airways; whereupon, the Executive Director advised that she was surprised that US Airways made it through January because the airline has taken huge financial hits; and General Electric, who leases the aircraft, continues to bail them out. She stated that another six 737 aircraft may go out of service due to the need for full overhauls; and at this point, if US Airways does not survive, the affect on Roanoke's Airport is not known, however, a number of employees who live in the area would lose their jobs.

Council Member Wishneff commended the Airport Commission upon positioning itself for the next carrier by reducing fees, not passing capital costs on to the airlines, and creating the potential for an air station, etc. He stated that it appears that only a few airlines are making money, and inquired if there have been discussions at the Federal level to relieve some of the burden.

Ms. Shuck advised that the Federal Government stepped forward following the September 11 event by bringing down loans, and has now taken the attitude that the free market will determine the fate of air carriers. She stated that she was not aware of any potential action by the Federal Government to help the airline industry, nor was she aware of any Federal committee hearings to address the issue.

Council Member Wishneff inquired about boarding assistance for disabled persons from the airport curb to the location where they board the airplane. The Executive Director replied that a shuttle bus operates from the parking lot which is equipped with a wheelchair lift, skycaps who are contract employees offer assistance, and in some instances airline employees assist disabled persons from the curb into the airport terminal.

Chairman Turner noted that community volunteers assist at the Airport on weekends and on special occasions.

As a result of various comments by persons in the community, Council Member Wishneff requested that the Airport Commission give further consideration toward ways to assist disabled persons.

In light of the continuous financial battle of US Airways, Chairman Altizer inquired as to how long it would take another carrier to replace or improve the service level; and the number of passengers per day that would be required to attract a low fare air carrier.

The Executive Director responded that the issue relates primarily to identifying a low fare carrier that serves this part of the country and offers the right size aircraft, because if the airline flies aircraft with 175 seats and requires 6-8 flights a day, the Roanoke Valley does not have a population base to support the requirement. She called attention to the need to match the same routes of full fare carriers with those of low fare carriers, both of which serve many of the same cities; AirTran provided service to Atlanta and then on to Florida, which are huge markets for the Roanoke area; Delta was asked for three flights a day on regional jets, and United Airlines was asked for four flights which would not have been difficult, but the problem was that Charlotte would loose ninety percent of its business, and Charlotte is a much bigger area for new air service than Roanoke. She stated that other airports are making the same requests as Roanoke.

If US Airlines goes bankrupt, Chairman Altizer inquired as to when the Airport Commission would be notified; whereupon, the Executive Director advised that the Commission would be notified immediately. She stated that an analysis of the Roanoke Valley's needs have been provided to Delta and United and both airlines are preparing contingency plans, however, United has much less flexibility than Delta since it is not expected to get out of bankruptcy until sometime this fall.

If US Airways goes out of business, Chairman Altizer inquired about the impact to the Roanoke Valley if another carrier does not step up to the plate; whereupon, the Executive Director advised that it is believed that an airline, or airlines, will step in and the Commission has encouraged Continental to serve the area in order to offer another airline option.

Commissioner Milliron left the meeting.

Council Member Wishneff inquired if there would be a Plan B, C or D to encourage a charter airline into the area; whereupon, the Executive Director advised that a charter airline would likely be Plan C and Plan B would involve United and Delta Airlines; however, the problem with a charter airline is that service would involve taking passengers to a single city. She stated that the entire east coast would experience the same problems as the Roanoke area.

Supervisor Flora made the observation that Roanoke provides a fairly profitable market for air carriers, which means that the area might be more likely to attract a replacement air carrier, therefore, what has not been working to the Roanoke Valley's benefit in the past could become the Valley's salvation in the future; however, that does not mean that the Airport Commission should not continue to look for potential low cost carriers. He stated that in all probability, if US Airways does not recover on its own, it will eventually be replaced by another airline.

The City Manager advised that it would be appropriate to focus on changing the name of the Roanoke Regional Airport to an international airport.

Mayor Harris expressed appreciation to members of the Roanoke County Board of Supervisors and to the Roanoke Regional Airport Commission for their attendance. He requested that the City Attorney prepare the proper measure in support of a 24 hour radar tower operation, and encouraged the Roanoke County Board of Supervisors to take similar action.

At 1:55 p.m., Chairman Altizer declared the meeting of the Roanoke County Board of Supervisors adjourned.

At 1:55 p.m., Chairman Turner declared the meeting of the Roanoke Regional Airport Commission adjourned.

At 1:55 p.m., the Mayor declared the City Council meeting in recess to be reconvened at 2:00 p.m., in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building.

At 2:00 p.m., on Monday, March 7, 2005, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler and Mayor C. Nelson Harris -----7.

ABSENT: None-----0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Ann H. Shawver, Deputy Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Mayor C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

ACTS OF ACKNOWLEDGEMENT-DECEASED PERSONS: Council Member Cutler offered the following resolution:

(#36987-030705) A RESOLUTION memorializing the late Edward R. Dudley, a native Virginian and former Roanoke resident, civil rights advocate and retired judge.

(For full text of resolution, see Resolution Book 69, Page 306.)

Council Member Cutler moved the adoption of Resolution No. 36987-030705. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

The Mayor called for a moment of silence in memory of Mr. Dudley.

ACTS OF ACKNOWLEDGEMENT: The Mayor advised that Shining Star Awards are presented to persons who go above and beyond the call of duty to be of service to their community. On behalf of the Members of Council, he stated that he was pleased to recognize Ms. Delphia Lewis and Mr. Greg A. Taylor.

The Mayor advised that Ms. Lewis is to be commended for her ability to recognize a potential criminal activity and her willingness to take quick action; and as a direct result of her actions, a multi-state crime spree was abated, a potentially stolen U-Haul truck was located and thousands of dollars worth of stolen property was recovered.

The Mayor further advised that Mr. Taylor is to be commended for coming to the aid of an individual whose vehicle struck a tree and landed in a nearby creek; and after calling police, he pulled the individual from the car and assisted her up the embankment to safety.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, the item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the regular meeting of Council held on Tuesday, January 18, 2005, were before the body.

Vice-Mayor Fitzpatrick moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: See pages 245-246.

ITEMS RECOMMENDED FOR ACTION: NONE.

CITY ATTORNEY:

Y.M.C.A.: The City Attorney submitted a communication advising that Subparagraph A of Paragraph No. 12 of the Agreement dated December 24, 2002, between the City of Roanoke (City) and YMCA of Roanoke Valley, Inc. (YMCA), requires the YMCA to transfer a portion of the property on which the old YMCA facility is located to the City by March 1, 2005; however, the Agreement requires the YMCA to remove asbestos from the old YMCA facility before the YMCA transfers the structure to the City; because of complications

related to removal of asbestos from the facility, the YMCA has not completed the removal and has not transferred the property to the City; accordingly, the YMCA has requested that the City agree to extend the deadline to April 30, 2005, by which time the YMCA must transfer the property to the City, but because April 30 is a Saturday, an amendment has been prepared extending the deadline to April 29, 2005.

The City Attorney recommended the Council adopt an ordinance authorizing the City Manager to execute the appropriate amendment to the Agreement with the YMCA.

Council Member Cutler offered the following ordinance:

(36988-030705) AN ORDINANCE authorizing the City Manager to execute Amendment No. 1 to the Agreement dated December 24, 2002, between the City of Roanoke and the YMCA of Roanoke Valley, Inc. ("YMCA"), to extend the date by which the YMCA must transfer to the City of Roanoke a portion of the property on which the former YMCA facility is located to April 29, 2005; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 308.)

Council Member Cutler moved the adoption of Ordinance No. 36988-030705. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick Lea, McDaniel, Wishneff, Cutler and Mayor Harris -----7.

NAYS: None-----0.

BLUE RIDGE BEHAVIORAL HEALTHCARE: The City Attorney submitted a communication advising that Blue Ridge Behavioral Healthcare is the local Community Services Board (CSB) formed pursuant to Section 37.1-194, et. seq., Code of Virginia (1950), as amended; the Cities of Roanoke and Salem and the Counties of Roanoke, Botetourt and Craig each comprise and participate in the CSB; Blue Ridge Behavioral Healthcare has amended its bylaws to bring the document into conformity with current provisions of the State Code; and State Code requires approval of each of the governing bodies of the political subdivisions that participate in the CSB of bylaw changes.

It was further advised that Wilburn C. Dibling, Jr., Attorney, representing the CSB, has forwarded to the City Attorney's Office a draft of Amended and Restated Bylaws of Blue Ridge Behavioral Healthcare; the City Attorney's Office and the Department of Social Services have reviewed the Amended Bylaws and have no objections; and other participating political subdivisions have reviewed the Bylaws and have stated no objections to the draft amendments.

It was explained that amendments and additions to the by-laws include the following: (1) distinguishing between the Board of Directors of the CSB that is appointed by the participating localities and the organization that provides services to consumers; (2) clarification of the compositional requirements of the CSB; (3) establishment of new procedures for the appointment of CSB Board members; (4) clarification of the extent to which the delegated duties of the CSB require approval of the participating political subdivisions; and (5) incorporation of language to clarify that the CSB has no authority to bind the participating political subdivisions or to extend their credit.

Vice-Mayor Fitzpatrick offered the following resolution:

(36989-030705) A RESOLUTION ratifying the amendments to the bylaws of Blue Ridge Behavioral Healthcare.

(For full text of resolution, see Resolution Book No. 69, Page 309.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 36989-030705. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick Lea, McDaniel, Wishneff, Cutler and Mayor Harris -----7.

NAYS: None-----0.

CITY CODE-SIGNS/BILLBOARDS/AWNINGS: The City Attorney submitted a communication advising that the City routinely receives applications from merchants desiring to install signs that advertise their businesses; sometimes the signs encroach into the public right-of-way, which requires approval by Council before permits may be issued for installation of such signs; however, the Code of Virginia does not require localities to have approval of the local governing body before certain appendages from buildings that encroach into the public right-of-way and other public property, including signs, may be authorized.

It was further advised that in an effort to streamline the application process for merchants desiring to install such signs, City staff has proposed an amendment to the City Code to grant the City Manager the administrative authority to approve signs and other appendages from buildings that encroach into the public right-of-way and other public property, in those circumstances in which Council is not required to do so.

The City Attorney transmitted an ordinance amending Chapter 27.1-2 of the City Code granting the City Manager the authority to approve permits for signs and other appendages from buildings that encroach into the public right-of-way and other public property; and the Code amendment also provides for certain revisions that include identifying additional appendages from buildings which require a permit, and increasing the amount of liability insurance required for issuance of such permits.

Council Member Cutler offered the following ordinance:

(36990-030705) AN ORDINANCE amending the title of Chapter 27.1, Signs, awnings, marquees, canopies, clocks and thermometers; amending and reordaining §27.1-1, Requirements, and subsections (1)(a), (1)(c) (1)(d), (4), (5) and (6), of §27.1-2, Projections over sidewalks, streets, alleys or other public property, deleting subsection (1)(b) and adding subsection (7) and of §27.1-2, Projections over sidewalks, streets, alleys or other public property, and amending and reordaining §27.1-6, Signs on public property, of Article I, In General, of Chapter 27.1, Signs, awnings, marquees, canopies, clocks and thermometers, of the Code of the City of Roanoke (1979), as amended, by identifying additional projections which can be authorized by permit, providing for authorization by the City Manager; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 310.)

Council Member Cutler moved the adoption of Ordinance No. 36990-030705. The motion was seconded by Council Member Dowe.

Council Member Cutler inquired as to the extent of the City's review of design and appearance of signs, awnings, marquees, etc.

The City Attorney responded that regulation occurs primarily in the downtown and H-1, Historic District. He stated that a permanent sign must receive a Certificate of Appropriateness by the Architectural Review Board as to architectural compatibility within the historic district. He explained that the proposed ordinance is primarily geared toward temporary signs, such as the A-frame signs on sidewalks in the downtown area and pertain mainly to restaurants and some retail businesses, which technically are not required to seek approval by the Architectural Review Board, although staff reviews the signs, awnings, etc., to ensure consistency with the historic character of downtown.

There being no further discussion, Ordinance No. 36990-030705 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick Lea, McDaniel, Wishneff, Cutler and Mayor Harris -----7.

NAYS: None-----0.

DIRECTOR OF FINANCE:

AUDITS/FINANCIAL REPORTS: The Deputy Director of Finance submitted the Financial Report for the month of January 2005.

(For full text, see financial report on file in the City Clerk's Office.)

There being no discussion and without objection by Council, the Mayor advised that the Financial Report for the month of January would be received and filed.

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

OATHS OF OFFICE-COMMITTEES-INDUSTRIES: Vice-Mayor Fitzpatrick offered the following resolution appointing Stuart H. Revercomb as a Director of the Industrial Development Authority of the City of Roanoke to fill the unexpired term of William Bova, resigned, ending October 20, 2005:

(#36991-030705) A RESOLUTION appointing a Director of the Industrial Development Authority of the City of Roanoke, to fill the remaining portion of a four (4) year term on its Board of Directors.

(For full text of resolution, see Resolution Book 69, Page 315.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 36991-030705. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

STREETS AND ALLEYS: Council Member Wishneff requested that the City Manager respond to the temporary closure of Crystal Spring Avenue, which was discussed by Council at its 9 a.m. work session.

(See pages 209-211.)

The City Manager called attention to a request of Carilion Health System to close that portion of Crystal Spring Avenue between McClanahan Street and Evans Mill Road, S. W., in order to facilitate the storage of materials and equipment to be used in connection with construction of an addition to Roanoke Memorial Hospital; and Carilion has requested that the temporary closure remain in effect until approximately October 2007. At the request of Council, she advised that City staff will meet with Neighbors in South Roanoke on Wednesday, March 9, 2005, at 7:00 p.m., in the Crystal Spring Elementary School Gymnasium, to present details of the temporary closure.

CITY EMPLOYEES-SNOW REMOVAL: Council Member McDaniel commended City staff on their efforts to remove snow from the City's streets following the recent snow event on Monday, February 28, 2005.

BUDGET: Vice-Mayor Fitzpatrick suggested that a communication from Posey Oyler, President, Roanoke-Salem Baseball Hall of Fame, requesting that the City of Roanoke consider funding for the Hall of Fame building, be referred to the City Manager and to fiscal year 2005-2006 budget study.

REFUSE COLLECTION-REGIONAL COOPERATION: Council Member Cutler called attention to another venture of regional cooperation between Roanoke City and Roanoke County which commenced on February 28, 2005, with a City/County program to assist with the collection of automated trash containers on a six month trial period in select portions of the two communities.

POLICE DEPARTMENT-ACTS OF ACKNOWLEDGEMENT-CITY COUNCIL: The Mayor advised that it was the consensus of Council to replace the Shining Star Award program with the Public Safety Medallion inasmuch as a majority of Shining Star Awards have been presented to persons who performed a public service in the category of public safety.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

MISCELLANEOUS-BUSES: Mr. Tony Hairston, 1263 Tayloe Avenue, S. E., expressed concerns with regard to abortion and homosexuality. He stated that he is a pro life advocate, because America was founded on Christian principles and family values, and homosexuality and abortion take away from family life. He expressed further concern that some individuals believe that it is acceptable to teach homosexuality as a curriculum in the schools, however, the issue should be reevaluated with the goal of going back to the basics of life.

ARMORY/STADIUM: Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, spoke with regard to the renovation and promotion of Victory Stadium as a memorial to veterans of the Roanoke Valley and for use by Roanoke's two high schools for athletic events. He encouraged the City to honor the agreement with Norfolk and Western Railway which provides that Victory Stadium was created on the sole condition that the land would be used for a stadium and that the City of Roanoke would maintain the property.

TRAFFIC: Ms. Helen E., Davis, 35 Patton Avenue, N. E., advised that at a previous Council meeting she incorrectly stated the age of Oliver White Hill as 90, when, in fact, he will celebrate his 99th birthday in May, and it is hoped that the appropriate celebration will be held in his honor. She further stated that the late Edward R. Dudley will be remembered for his accomplishments and for his positive impact on people throughout the nation.

Ms. Davis referred to the closing of fire stations in the predominantly northwest section of the City, and advised that in the year 2000, citizens were told of plans to close Fire Station No. 12; in August, 2002, by a 4 - 3 vote of the Council, Fire Station No. 12 was closed, firefighters were transferred to other units, six firefighters were assigned to the Roanoke County Clearbrook Station; and regional cooperation is admirable, but should not come at the expense of Roanoke's citizens. She advised that No. 1 Station in downtown will be preserved, No. 3 and No. 6 stations will be combined to form a new fire station; it appears that northwest Roanoke will lose three fire stations; northwest residents were advised in 2000, 2002 and 2004 of plans for a site on which to construct a new fire station because No. 9 station on 24th Street was crowded and fire apparatus could not maneuver in and out of the station and that the City was looking for an appropriate site, however, to date the community has received no information on a proposed site. She added that northwest Roanoke is heavily populated; i.e.: Melrose Towers, United Methodist Home, Thornhill Place, McCray Court, churches, day care centers, William Fleming High School, William Ruffner Middle School, Roanoke Academy for Mathematics and Science, residential homes and businesses, therefore, after more than four years, citizens deserve to know what is going on in their neighborhood. She called attention to property adjacent to the Goodwill Industries at 3361 Melrose Avenue, N. W., that would provide an ideal site for a fire station in northwest Roanoke.

The Mayor advised that the remarks of Ms. Davis would be referred to the City Manager for response.

DRUGS/SUBSTANCE ABUSE-CITY JAIL-CITY COUNCIL-SCHOOLS: Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., spoke with regard to the regional jail, and inquired as to how the City of Roanoke can involve itself, uninvited, in connection with a site for a regional jail in Roanoke County when the City has shown no indication that it can move a methadone clinic from the Hershberger Road area of the City where homes, businesses, and schools have been established for many years. She pointed out that for months the Northwest Concerned Citizens Organization has requested that the methadone clinic be moved out of the Hershberger Road location to another site and suggested that the methadone clinic be located at or near the Roanoke City Jail in downtown Roanoke.

HARRISON MUSEUM: Mr. Shaheed Omar, 1219 Loudon Avenue, N W., inquired as to why the City of Roanoke does not fund the Harrison Museum of African American Culture so that the organization may operate five to six days a week with a fully paid staff.

The Mayor advised that Mr. Omar's inquiry would be referred to the City Manager for response.

CITY MANAGER COMMENTS:

CITY CODE-ZONING-CITY JAIL-CITY COUNCIL-SCHOOLS: The City Manager responded to the remarks of Ms. Evelyn Bethel regarding the location of the methadone clinic on Hershberger Road. She advised that under the City's current Zoning Ordinance, only certain districts can accommodate a methadone clinic with a special use permit approved by the Board of Zoning Appeals; under current State Code provisions, a methadone clinic cannot be located within one-half mile of a public school or day care center; and moving the methadone clinic to the City Jail in downtown Roanoke would not meet City Code or State Code requirements. She further advised that the City of Roanoke would have preferred that the methadone clinic not locate at its present site at Hershberger and Cove Roads; however, the City is not in a position to relocate the facility to any site other than a location that meets City Code and State Code requirements, and the City of Roanoke continues to investigate other potential locations for the methadone clinic.

At 3:05 p.m., the Mayor declared the Council meeting in recess for one briefing, to be followed by a Closed Session which was approved earlier in the meeting.

At 3:10 p.m., the Council meeting reconvened in the Council's Conference Room, with all Members of the Council in attendance.

ZONING: R. Brian Townsend, Agent, City Planning Commission, advised that staff has completed the text portion of the new zoning ordinance, the mapping portion is almost complete, and Council will be requested to schedule a public hearing to receive the views of citizens on the proposed new zoning ordinance. He called attention to a recent Supreme Court decision in two Virginia localities, Spotsovania County and Loudon County, that invalidated in whole, or in part, two comprehensive rezoning cases based upon the method of notification and the method in which the public hearing process was undertaken; therefore, the City of Roanoke will proceed cautiously since the City's new zoning ordinance falls within the same category. He stated that a notice will be mailed to each property owner in the City of Roanoke, or approximately 46,000 parcels of land, setting forth the new zoning classification, along with a descriptive summary of the change in zoning; a notice of public hearing will be published in *The Roanoke Times* describing the rezoning on two consecutive weeks; and preparation of 46,000 letters and a newspaper advertisement that could consist of two full pages will involve considerable staff time.

Mr. Townsend requested guidance from the Council with regard scheduling the public hearing and inquired if it would be the preference of Council that the City Planning Commission conduct a public hearing, submit its recommendation to Council, to be followed by the Council's public hearing and action, which is the process that is typically followed in basic requests for rezoning; or would the Council prefer to engage in a joint public hearing with the City Planning Commission.

The City Manager advised that a joint public hearing by Council and the City Planning Commission is recommended, however, conducting a joint public hearing would not obligate the parties to act on the same evening, and if Council concurs, the public hearing could be held on a day or evening other than a regular Council meeting day.

In view of other pressing business to come before the Council during the months of March and April such as 2005-2006 fiscal year budget study sessions/budget adoption and a report of the Stadium Study Committee with regard to Victory Stadium, the Mayor suggested that action on the zoning ordinance be held in abeyance until those issues have been addressed.

There was discussion with regard to the pros and cons of a joint public hearing by Council and the City Planning Commission in which it was pointed out that one of the most compelling reasons to hold a joint public hearing is the requirement for advertisement of one notice of public hearing on two consecutive weeks, as opposed to advertisement of two notices of public hearing on two consecutive weeks. In either case, it was explained that only one mailing to the 46,000 property owners would be required.

Following discussion, it was the consensus of Council to proceed with the typical process for the rezoning of property; i.e.: the proposed new zoning ordinance will be considered by the City Planning Commission at a public hearing, the City Planning Commission will submit a recommendation to Council, and the Council will conduct a separate public hearing prior to acting on the zoning ordinance.

Mr. Townsend advised that the Council would be provided with a time line regarding the City Planning Commission's public hearing.

At 3:40 p.m., the Council convened in Closed Session in the Council's Conference Room.

At 4:25 p.m., the Council meeting reconvened in the City Council Chamber, with all Members of the Council in attendance, Mayor Harris presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Vice-Mayor Fitzpatrick moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

OATHS OF OFFICE-COMMITTEES-HUMAN DEVELOPMENT COMMITTEE: The Mayor advised that there are two vacancies on the Human Services Advisory Board created by expiration of the terms of office of Gail Burress and Clarence Hall, and called for nominations to fill the vacancies.

Council Member Lea placed in nomination the names of Gail Burress and Clarence Hall.

There being no further nominations, Ms. Burress and Mr. Hall were reappointed as members of the Human Services Advisory Board, for terms ending November 30, 2008, by the following vote:

FOR MS. BURRESS AND MR. HALL: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

There being no further business, the Mayor declared the Council meeting adjourned at 4:30 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

C. Nelson Harris
Mayor
